

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VISHAL SINGH UPPAL,

Plaintiff,

v.

JOSEPH WILLIE et al.,

Defendant.

Case No. C06-5167 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
PLAINTIFF'S MOTION FOR STAY  
AND DENYING MOTION FOR  
INDIVIDUAL HEARING

This matter comes before the Court on the Magistrate Judge's recommendation that Plaintiff's motion seeking a stay of his "order of deportation and removal" be dismissed on the basis that this Court cannot entertain a motion to stay deportation in Plaintiff's civil rights action. Plaintiff has filed Objections to the Report and Recommendation and moved for an evidentiary hearing.

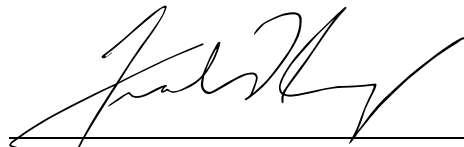
As aptly stated by the Magistrate Judge, issues of deportation and removal and the fact or duration of confinement must proceed in habeas corpus. Additionally, Plaintiff has previously filed a habeas petition which was denied. The Ninth Circuit has denied Plaintiff's motion to stay removal pending appeal of the denial of the habeas corpus petition. Accordingly, the Court will not consider

1 a motion to stay deportation in a civil rights action. Plaintiff's request for an individual hearing to  
2 present testimony is denied for the same reasons.

3 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelly  
4 Arnold, Objections to the Report and Recommendation, and the remaining record, does hereby find  
5 and Order:

- 6 (1) The Court adopts the Report and Recommendation;
- 7 (2) The motions for stay and an evidentiary hearing are DISMISSED
- 8 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any  
9 Defendants who have appeared, and to the Hon. J. Kelly Arnold.

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11 DATED this 27<sup>th</sup> day of October, 2006.

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15 FRANKLIN D. BURGESS  
16 UNITED STATES DISTRICT JUDGE  
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